



May 27, 2004

California Energy Commission
1516 Ninth Street, Mail Station 4
Sacramento, CA 95814-5512

Re: Rulemaking on Appliance Efficiency Regulations
Docket Number: 03-AAER-1

Dear Sir/Madam:

I want to thank the Commission for the opportunity to submit these written comments in connection with your workshop relating to possible updates to the Appliance Efficiency Regulations. We are writing specifically with respect to Portable Room Air Cleaners.

We are one of America's largest manufacturers and sellers of high quality small, electric home appliances. We are based in Massachusetts and have field offices throughout the United States. We have a considerable presence in California, notably through large distribution centers in the Los Angeles area. We have been selling products - including portable room air cleaners - in California since our company's founding over twenty years ago. Our most popular air cleaner models include HAP-240, HAP-422 and the HAP-625. Millions of these products have been sold to satisfied consumers across the country, including California. We like to think we sell the best portable room air cleaners on the market.

We understand that you will receive oral testimony from a representative of our industry organization, the Association of Home Appliance Manufacturers (AHAM). We expect that our AHAM representative will present a number of arguments with respect to the potential regulatory updates and do not wish to take the Commission's time repeating those arguments here.

Our mission today is to provide you with a consumer-oriented perspective, based on our many years of selling high-quality, portable electric air cleaners for home use.

Millions of Americans suffer from allergies and other sensitivities - including asthma - brought on by airborne contaminants. These sufferers come from every walk of life, and their health concerns take many forms. Some people suffer from seasonal allergies. Others have more chronic problems that require regular attention. A smaller number have severe problems that require medication, constant home maintenance and other measures designed to minimize, to the greatest extent possible, contact with contaminants that might trigger physical response.

Many of these allergy and asthma sufferers use home, electric air cleaners to help them control the spread of airborne contaminants. The products utilize time-tested technology. Most of our products have so-called HEPA or HEPA-like filtration, a form of filtration recognized by the US military since World War II as the best method of eliminating common, harmful particles from the air.

We do not market our products as a "cure all" of all problems relating to airborne contamination. The best way to combat the effects of airborne contamination is combine the use of a portable room air cleaner with other measures. As one physician recently said, "I recently completed an inner-city asthma study funded by the National Institutes of Health, after making changes to the home environment including the use of HEPA air cleaners, we saw positive results. The children experienced fewer asthma symptoms, missed fewer days from school and needed fewer doctors visits" - Dr. Paul Enright, Pulmonary Specialist, University of Arizona Medical Center.

We understand the need to consider regulation designed to make consumer electric products more energy efficient. However, this need for regulation must be balanced against the legitimate

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need consumers of all income levels have for portable electric air cleaning devices utilizing HEPA and HEPA-like filtration. Approximately 47% of all air cleaners sold in the U.S. cost less than \$100. Some 49% of air cleaner owners in the Pacific region of the U.S. have annual household incomes below \$25,000. Obviously, there is a need to provide low cost products to such consumers who are on extraordinarily tight budgets.

The devices tested and reported on in the submission of PG&E all cost over \$100. PG&E's own estimate is that if the Commission were to adopt a stringent regulation all air cleaners would likely exceed a retail cost of \$100. This is indeed our belief as well, as we anticipate an approximate 40% increase in costs if the regulation is adopted. In sum, to adopt this regulation will price these important products out of the reach of a sizable percentage of consumers.

We believe it appropriate to point out that of the twenty-five product categories currently being addressed by the Commission, portable room air cleaners are the only category of products that can fairly be described as addressing a health-related issue. (Indeed, some of the other categories are luxury items as portable electric spas, residential pool pumps and under-cabinet fluorescent lamps.) We believe it appropriate for the Commission, consistent with its mission to act at all times in the public interest, to consider whether the adoption of any particular regulation will impact the ability of ordinary consumers to purchase a device that their doctor may be recommending for treatment of a health-related condition.

Our company, and other companies in the industry, is working with U.S. Environmental Protection Agency on the EnergyStar program, in an effort to come up with a coherent and sensible strategy to highlight the more energy efficient air cleaner models. This might eventually include designing additional efficient models but they will be more expensive. This process takes a realistic and representative look at the overall air cleaner market. We urge the Commission to allow that process to continue to move forward. We respectfully request that the Commission refrain from adopting any regulation at this time concerning the energy efficiency of portable room air cleaners, with the understanding that, if the EnergyStar program does not yield improvements in efficiency industry-wide, this issue will no doubt be revisited.

Please call me if you have any questions or comments concerning this matter.

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